

REMARKS

The Office Action dated December 23, 2004 has been received and carefully reviewed. The following remarks form a full and complete response thereto. Claims 1-53 are pending in the application and submitted for reconsideration.

Applicants acknowledge the allowance of claims 17-32.

Claims 1-7, 11, 14, 33, 34, 37-44, 48, 49 52 and 53 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,349,988 to Walsh *et al.* ("Walsh"). Claims 8-10, 15, 16 and 45-47 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,349,988 to Walsh in view of U.S. Patent No. 4,487,707 to Holzknecht. Claims 12, 13, 35, 36, 50 and 51 are rejected under 35 U.S.C. §103(a) as being unpatentable over Walsh in view of U.S. Patent No. 5,799,703 to Kanao *et al.* ("Kanao"). Applicants respectfully traverse the rejection and submit that claims 1-16 and 33-53 recite subject matter not disclosed or suggested by the cited prior art.

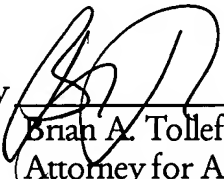
Applicants submit that each of the references cited is inapplicable art. Claims 1-16 and 33-37 of the present invention recite a "spacer assembly," and claims 38-53 of the present invention recite a "spacer assembly adapted for use in multi-panel window assemblies." Further, claims 38-53 include the limitation of a "flexible, hollow window spacer." See claim 38, line 3. None of the cited prior art is application to space assemblies as defined by the claims, let alone a window spacer.

Walsh is directed to a refrigerant or air conditioning hose and not to a spacer at all. Holzknacht is directed to a "stop leak" composition for sealing leaks in a refrigerant system. Kanao is directed to a square, corrugated pipe. Nowhere in any of these three references is the term "spacer" used. Nowhere in any of the three references can you find the word "window." There is no disclosure or suggestion in any of those references to apply the teachings therein to a window spacer, as disclosed and claimed in the present application. Thus, Applicants submit that the combination of cited prior art fails to disclose or suggest each and every feature of the claimed invention. Even if the references taught the claimed features of the present invention, which they do not, there would be no motivation to combine the references in order to derive the present invention. Accordingly, Applicants request that the rejection be withdrawn and claims 1-53 be allowed.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the Applicants' undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event that this paper is not timely filled, the Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account No. 02-2135.

Respectfully submitted,

By 

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